

October 18, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Edward B. Zalenski, Dale W. Frank, Michael D. Sorrenti and
Alexander Grinberg

Application No.: 10/750,173

Group Art Unit: 3732

Filed: December 31, 2003

Examiner: Not assigned

Confirmation No.: 5023

Title: INSERTER INSTRUMENT AND IMPLANT CLIP

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>OCTOBER 18, 2005</u>	<u>Christine A. Budd</u>
Date	Signature
CHRISTINE A. BUDD	
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application file.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☒ The listed Foreign Patent references AO and AP were cited in the enclosed International Search Report in a counterpart foreign application.
- ☒ The "concise explanation" requirement (non-English references) for reference AM, AO and AP under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☒ submission of the enclosed International Search Report (for references AO and AP).
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☒ the enclosed English language abstract (for reference AM).

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

N. Scott Pierce
Registration No.: 34,900
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Dated:

10/18/05

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 3518.1020-000		APPLICATION NO. 10/750,173	
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION OCT 20 2005 October 18, 2005 (Use several sheets if necessary)		FIRST NAMED INVENTOR Edward B. Zalenski		FILING DATE December 31, 2003	
		EXAMINER Not assigned		CONFIRMATION NO. 5023	
				GROUP 3732	

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AE	4,759,766	07-26-1988	Buettner-Janz, <i>et al.</i>
	AF	5,236,460	08-17-1993	Barber
	AG	5,258,031	11-02-1993	Salib, <i>et al.</i>
	AH	5,314,477	05-24-1994	Marnay
	AI	5,360,430	11-01-1994	Lin
	AJ	5,370,697	12-06-1994	Baumgartner
	AK	5,401,269	03-28-1995	Buttner-Janz, <i>et al.</i>
	AA2	5,425,773	06-20-1995	Boyd, <i>et al.</i>
	AB2	5,458,641	10-17-1995	Ramirez Jimenez
	AC2	5,507,816	04-16-1996	Bullivant
	AD2	5,562,738	10-08-1996	Boyd, <i>et al.</i>
	AE2	5,676,701	10-14-1997	Yuan, <i>et al.</i>
	AF2	5,683,465	11-04-1997	Shinn, <i>et al.</i>
	AG2	5,782,830	07-21-1998	Farris
	AH2	5,782,832	07-21-1998	Larsen, <i>et al.</i>
	AI2	5,851,207	12-22-1998	Cesarone
	AJ2	5,895,428	04-20-1999	Berry
	AK2	5,899,941	05-04-1999	Nishijima, <i>et al.</i>
	AA3	5,989,291	11-23-1999	Ralph, <i>et al.</i>
	AB3	6,019,792	02-01-2000	Cauthen
	AC3	6,063,121	05-16-2000	Xavier, <i>et al.</i>
	AD3	6,066,174	05-23-2000	Farris
	AE3	6,113,605	09-05-2000	Storer
	AF3	6,113,637	09-05-2000	Gill, <i>et al.</i>
	AG3	6,146,421	11-14-2000	Gordon, <i>et al.</i>
	AH3	6,159,215	12-12-2000	Urbahns, <i>et al.</i>

EXAMINER	DATE CONSIDERED
----------	-----------------

PTO-1449 REPRODUCED SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION October 18, 2005 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3518.1020-000		APPLICATION NO. 10/750,173	
	FIRST NAMED INVENTOR Edward B. Zalenski		FILING DATE December 31, 2003	
	EXAMINER Not assigned	CONFIRMATION NO. 5023	GROUP 3732	

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AI3	6,179,874	01-30-2001	Cauthen
	AJ3	6,228,118	05-08-2001	Gordon
	AK3	6,296,665	10-02-2001	Strnad, <i>et al.</i>
	AA4	6,319,257	11-20-2001	Carignan, <i>et al.</i>
	AB4	6,368,350	04-09-2002	Erickson, <i>et al.</i>
	AC4	6,375,682	04-23-2002	Fleischmann, <i>et al.</i>
	AD4	6,395,034	05-28-2002	Suddaby
	AE4	6,416,551	07-09-2002	Keller
	AF4	6,440,142	08-27-2002	Ralph, <i>et al.</i>
	AG4	6,440,168	08-27-2002	Cauthen
	AH4	6,517,580	02-11-2003	Ramadan, <i>et al.</i>
	AI4	6,520,996	02-18-2003	Manasas, <i>et al.</i>
	AJ4	6,524,312	02-25-2003	Landry, <i>et al.</i>
	AK4	6,527,804	03-04-2003	Gauchet, <i>et al.</i>
	AA5	6,540,785	04-01-2003	Gill, <i>et al.</i>
	AB5	6,562,074	05-13-2003	Gerbec, <i>et al.</i>
	AC5	6,579,320	06-17-2003	Gauchet, <i>et al.</i>
	AD5	6,599,294	07-29-2003	Fuss, <i>et al.</i>
	AE5	6,616,671	09-09-2003	Landry, <i>et al.</i>
	AF5	6,652,533	11-25-2003	O'Neil
	AG5	6,652,534	11-25-2003	Zuckerman, <i>et al.</i>
	AH5	6,660,006	12-09-2003	Markworth, <i>et al.</i>
	AI5	6,663,637	12-16-2003	Dixon, <i>et al.</i>
	AJ5	6,692,501	02-17-2004	Michelson
	AK5	6,740,087	05-25-2004	Knox
	AA6	2002/0035400	03-21-2002	Bryan, <i>et al.</i>

EXAMINER	DATE CONSIDERED
----------	-----------------

PTO-1449 REPRODUCED SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION October 18, 2005 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3518.1020-000		APPLICATION NO. 10/750,173	
	FIRST NAMED INVENTOR Edward B. Zalenski		FILING DATE December 31, 2003	
	EXAMINER Not assigned	CONFIRMATION NO. 5023	GROUP 3732	

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AB6	2002/0111679	08-15-2002	Zuckerman, <i>et al.</i>
	AC6	2002/0111681	08-15-2002	Ralph, <i>et al.</i>
	AD6	2002/0111682	08-15-2002	Ralph, <i>et al.</i>
	AE6	2002/0111683	08-15-2002	Ralph, <i>et al.</i>
	AF6	2002/0111684	08-15-2002	Ralph, <i>et al.</i>
	AG6	2002/0111685	08-15-2002	Ralph, <i>et al.</i>
	AH6	2002/0111686	08-15-2002	Ralph, <i>et al.</i>
	AI6	2002/0111687	08-15-2002	Ralph, <i>et al.</i>
	AJ6	2002/0128714	09-12-2002	Manasas, <i>et al.</i>
	AK6	2002/0128715	09-12-2002	Bryan, <i>et al.</i>
	AA7	2002/0161366	10-31-2002	Robie, <i>et al.</i>
	AB7	2002/0161375	10-31-2002	Ralph, <i>et al.</i>
	AC7	2003/0033016	02-13-2003	Dees, Jr.
	AD7	2003/0040802	02-27-2003	Errico, <i>et al.</i>
	AE7	2003/0065395	04-03-2003	Ralph, <i>et al.</i>
	AF7	2003/0069586	10-10-2003	Errico, <i>et al.</i>
	AG7	2003/0069643	04-10-2003	Ralph, <i>et al.</i>
	AH7	2003/0074066	04-17-2003	Errico, <i>et al.</i>
	AI7	2003/0074067	04-17-2003	Errico, <i>et al.</i>
	AJ7	2003/0074068	04-17-2003	Errico, <i>et al.</i>
	AK7	2003/0074069	04-17-2003	Errico, <i>et al.</i>
	AA8	2003/0074070	04-17-2003	Errico, <i>et al.</i>
	AB8	2003/0074071	04-17-2003	Errico, <i>et al.</i>
	AC8	2003/0074072	04-17-2003	Errico, <i>et al.</i>
	AD8	2003/0074073	04-17-2003	Errico, <i>et al.</i>
	AE8	2003/0074074	04-17-2003	Errico, <i>et al.</i>

EXAMINER	DATE CONSIDERED
----------	-----------------

PTO-1449 REPRODUCED SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION October 18, 2005 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3518.1020-000		APPLICATION NO. 10/750,173	
	FIRST NAMED INVENTOR Edward B. Zalenski		FILING DATE December 31, 2003	
	EXAMINER Not assigned		CONFIRMATION NO. 5023	GROUP 3732

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AF8	2003/0074076	04-17-2003	Ferree, <i>et al.</i>
	AG8	2003/0078664	04-24-2003	Ralph, <i>et al.</i>
	AH8	2003/0078665	04-24-2003	Ralph, <i>et al.</i>
	AI8	2003/0078666	04-24-2003	Ralph, <i>et al.</i>
	AJ8	2003/0083747	05-01-2003	Winterbottom, <i>et al.</i>
	AK8	2003/0135277	07-17-2003	Bryan, <i>et al.</i>
	AA9	2003/0135278	07-17-2003	Eckman
	AB9	2003/0149482	08-07-2003	Michelson
	AC9	2003/0187454	10-02-2003	Gill, <i>et al.</i>
	AD9	2004/0167534	08-26-2004	Errico, <i>et al.</i>
	AE9	2004/0167537	08-26-2004	Errico, <i>et al.</i>
	AF9	2004/0176773	09-09-2004	Zubok, <i>et al.</i>
	AG9	2004/0215198	10-28-2004	Marnay, <i>et al.</i>
	AH9	2004/0225295	11-11-2004	Zubok, <i>et al.</i>
	AI9	2005/0015094	01-20-2005	Keller
	AJ9	2005/0015095	01-20-2005	Keller
	AK9	2005/0021040	01-27-2005	Bertagnoli
	AA10	2005/0021042	01-27-2005	Marnay, <i>et al.</i>
	AB10	2005/0027300	02-03-2005	Hawkins, <i>et al.</i>
	AC10	2005/0033428	02-10-2005	Keller
	AD10	2005/0038511	02-17-2005	Martz, <i>et al.</i>
	AE10	2005/0043740	02-24-2005	Haid, Jr., <i>et al.</i>
	AF10	2005/0043800	02-24-2005	Paul, <i>et al.</i>
	AG10	2005/0055029	03-10-2005	Marik, <i>et al.</i>
	AH10	2005/0055098	03-10-2005	Zdeblick, <i>et al.</i>
	AI10	2005/0071013	03-31-2005	Zubok, <i>et al.</i>

EXAMINER	DATE CONSIDERED
----------	-----------------

[illegible]

EXAMINER	DATE CONSIDERED
----------	-----------------

[illegible]

@PFDesktop\::ODMA\MHODMA\HBSR05;iManage;580077;1